

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

TIMOTHY KNOEPPPEL,

Petitioner,

VS.

RICK THALER, *et al*,

Respondents.

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CIVIL ACTION NO. C-09-295


**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO DENY PETITIONER'S  
MOTION TO PROCEED *IN FORMA PAUPERIS***

On December 11, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis*, (D.E. 17), be denied. The Memorandum and Recommendation further recommended that a previous application to proceed *in forma pauperis*, (D.E. 2), filed in conjunction with his civil rights complaint be denied as moot. The Memorandum and Recommendation recommended additionally that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss the petition; and further, that petitioner be advised that failure to pay the filing fee within the time proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party, having now reviewed the recommendation, and noting that on December 21, 2009, petitioner paid the required filing fee, the Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, the Court finds that petitioner is not indigent and it is

ORDERED that petitioner's application to proceed *in forma pauperis*, (D.E. 17), is denied. Petitioner's previous application to proceed *in forma pauperis*, (D.E. 2), filed in conjunction with his civil rights complaint is denied as moot.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 22nd day of December, 2009.

  
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Janis Graham Jack  
United States District Judge